East Contra Costa County Habitat Conservation Plan Association

HCPA Coordination Group Meeting

Thursday, November 18, 2004
1 p.m. to 3 p.m.

City of Pittsburg Council Chambers
65 Civic Drive in Pittsburg, 3rd Floor
(see map on reverse)

Agenda

1:00 Introductions. Review contents of meeting packet. Review and approve Draft Meeting Record of the October 21, 2004 Coordination Group meeting.

1:15 Updates:

- Request for exemption from Critical Habitat Designation related to East Contra Costa County HCP submitted to USFWS (see attached);
- Wetlands permitting:
  - 4-County White Paper with Army Corps and other Regulatory Agencies is done (see website);
  - comments due by December 16 on draft wetlands permit strategy and inventory (presented at Nov Coordination Group meeting and included in that packet)

1:40 Funding.:

- Review revised draft of Chapter 8 (attached).
- Review excerpts of Coordination Group's recommendations on fees and funding, including refinements proposed by staff (see especially proposed refinements to the proposed rural road fees) (pending).

2:20 Consider concept of modifying the conservation strategy to replace the requirement for cropland conservation with requirements for additional riparian and coastal plain acquisition/restoration.

2:50 Confirm upcoming meeting dates. Upcoming Coordination Group meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3rd Thursdays):

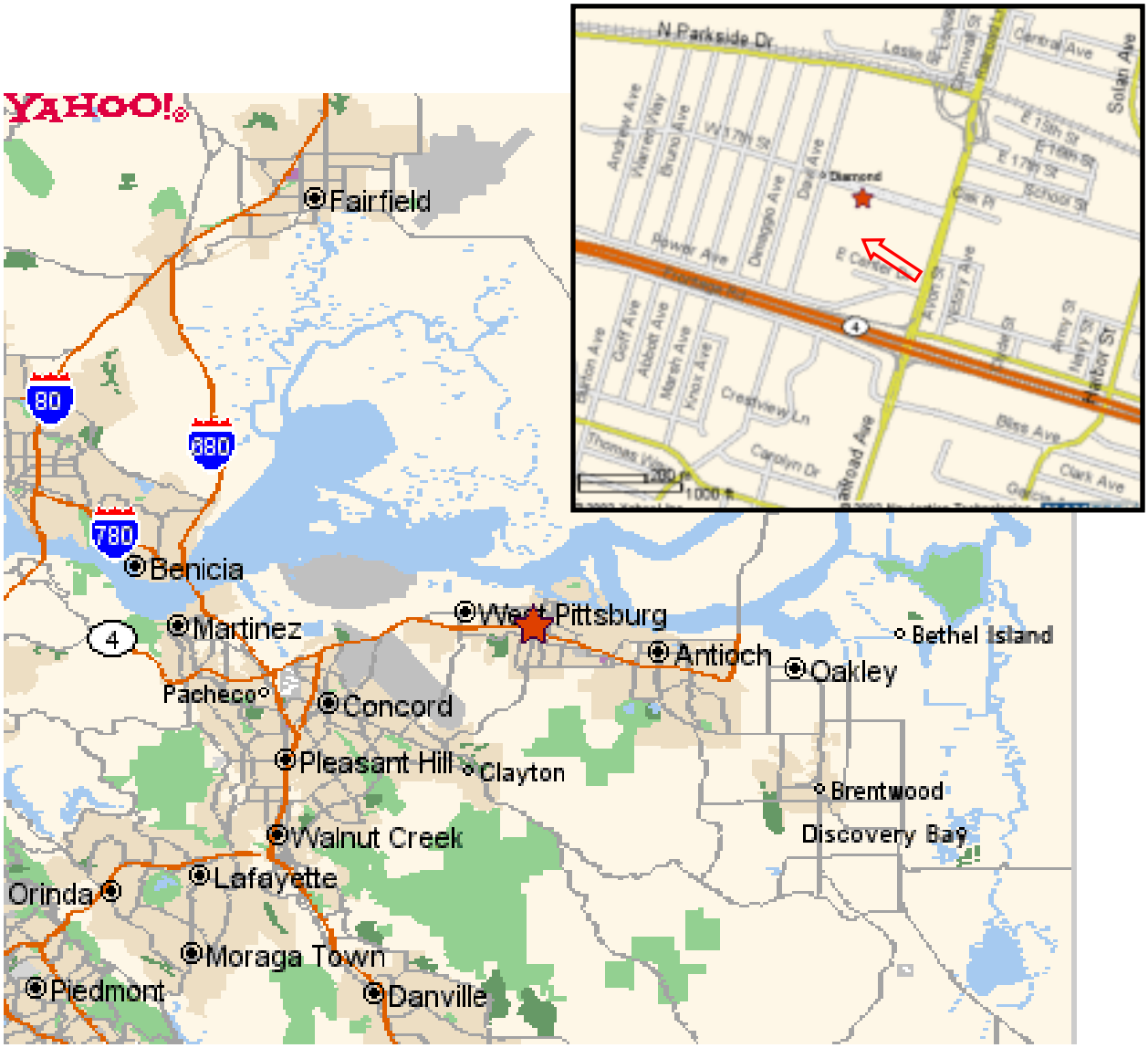
Thursday, December 16 , 1 p.m. to 3 p.m.
HCPA Executive Governing Committee: Thursday, December 9, 2004 at 5:30

2:55 Public comment.

3:00 Adjourn.

Times are approximate. If you have questions about this agenda or desire additional meeting materials, you may contact Abby Fateman of the Contra Costa County Community Development Department at 925-335-1272. The HCPA will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 72 hours before the meeting.

Map and Directions to Pittsburg City Hall
65 Civic Drive



*** Special Directions to Pittsburg City Hall from Eastbound Highway 4 During Construction

(exit to northbound Railroad is closed during Hwy 4 widening project):

1. Exit at Bailey Road, North (instead of Railroad), crossing under freeway
2. Continue on Bailey Road 0.5 miles
3. Turn right on WILLOW PASS RD
4. Continue eastbound on Willow Pass Road 1.2 mi
2. Continue on N PARKSIDE DR - go 1.6 mi
3. Turn right on DAVI AVE - go 0.2 mi
4. Turn left on POWER AVE - go 0.1 mi
5. Turn left into parking lot for 65 CIVIC AVE, PITTSBURG

(See map on reverse)

DRAFT MEETING RECORD

East Contra Costa County Habitat Conservation Plan Association (HCPA) Coordination Group Meeting

Thursday, October 21, 2004
1 p.m. to 3 p.m.

City of Pittsburg Council Chambers

1:00 Welcome and Introductions. Meeting attendees introduced themselves. Coordination Group members and staff in attendance were:

Chris Barton, City of Pittsburg	Jessica Olson, CNPS
Abigail Fateman, CCC Community Dev.	Cece Sellgren, CCC Public Works
Janice Gan, CA DFG	Donna Vingo, CCLA
Joel Gerwein, Jones & Stokes	Mike Vukelich, CCC Farm Bureau
John Kopchik, CC County Community Dev.	Dick Vrmeer, CNPS
Dee Munk, CCC Farm Bureau	Christina Wilson, City of Oakley

Also in attendance: Phillip Torres, Cheryl Morgan, and John Hopkins

1:05 Review contents of meeting packet. Review and approve Draft Meeting Record of the September 23, 2004 Coordination Group meeting. Meeting records was approved without revision.

1:15 Updates: EGC on September 29th John Kopchik reviewed the EGC meeting. He reported that the EGC members had discussed the Coordination Group's recommendations in detail and had approved them. The EGC will meet again December 9th to consider and further recommendations ironing out the unresolved aspects of the funding plan..

1:30 Update on proposed approach for a simplified wetlands permit program for East Contra Costa that is complementary and consistent with the HCP/NCCP. A revised version of the draft permit was distributed at the meeting. John Kopchik and Joel Gerwein reviewed the Draft Regional Permit Program (RPP) and the Draft Aquatic Inventory Report in detail and addressed a number of questions (print copies were available online). John and Joel reiterated that all the mapping information is at the landscape level and data came from aerial photos or publicly available data sources.

The deadline for providing written comments is December 16th, 2004.

2:50 Confirm upcoming meeting dates. Upcoming Coordination Group meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3rd Thursdays):

Thursday, November 18, 1 p.m. to 3 p.m.
HCPA Executive Governing Committee: Thursday, December 9, 2004 at 5:30

2:55 Public comment. Jessica Olson provided a brief overview of CNPS's comment letter regarding the regional permit program

3:00 Adjourn.

HCPA East Contra Costa County Habitat Conservation Plan Association

October 11, 2004

Wayne White
Field Supervisor
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
800 Cottage Way, W-2605
Sacramento, CA 95825

Re: Request for exemption from California tiger salamander (CTS) critical habitat designation for East Contra Costa County HCP/NCCP permit area and activities.

Dear Mr. White:

I am submitting this request on behalf of the East Contra Costa County Habitat Conservation Plan Association (HCPA), a Joint Powers Authority formed by the Cities of Clayton, Oakley, Pittsburg, and Brentwood; Contra Costa County; Contra Costa Water District; and the East Bay Regional Park District. The Joint Powers Authority was formed for the purpose of developing a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) for over 175,000 acres of eastern Contra Costa County. Stakeholders involved in the development of the plan include members representing landowners, building industry, environmentalist, local agencies and special districts.

Consistent with past practices on critical habitat designations, the HCPA requests that area proposed for permit coverage under the East Contra Costa County HCP/NCCP be exempted from the critical habitat designation for California tiger salamander. When approved, the East Contra Costa HCP/NCCP will conserve in perpetuity approximately 24,000 to 31,000 acres of land in the East County area and will expend almost $100 million in the first 30 years to enhance, restore, and manage the resource values of the acquired lands. California tiger salamander is one of 28 covered species in the HCP/NCCP and the Plan includes a number of conservation measures designed specifically to benefit CTS and contribute to its recovery. A public Working Draft HCP/NCCP was released in November of 2003 and we hope to release a Public Draft HCP/NCCP in the next several months.

In short, the HCP/NCCP will provide comprehensive conservation of CTS and its habitat that exceeds the level of additional protection that would be afforded by designating critical habitat in this area. To reassure stakeholders that the HCP/NCCP will be the centerpiece of endangered species conservation efforts in the area and will not be supplanted by other regulatory actions and to avoid a confusion about what regulatory standards will be enforced, we are requesting that the area and activities to be permitted in the HCP/NCCP be exempted from possible critical habitat designation.

As discussed with Cay Goude of U.S. Fish and Wildlife Service, we have requested a follow-up meeting that includes stakeholders to discuss the details of the requested exemption from CTS critical habitat, the status of the HCP/NCCP, and stakeholder views of the HCP/NCCP. Should you have any questions, please contact John Kopchik of the Contra Costa County Community Development Department at (925) 335-1227.

Sincerely,

for John Kopchik

John Kopchik, Principal Planner
Contra Costa County Community Development Department, Coordinating Agency
East Contra Costa County Habitat Conservation Plan Association

Cc: HCPA Member Agency Staff

Chapter 8
Funding

This chapter provides planning-level estimates of the cost to implement the ECCC HCP/NCCP and identifies all necessary funds to pay for implementation.

8.1 Cost to Implement the HCP/NCCP

The cost analysis was based on a number of assumptions regarding the eventual development of the HCP/NCCP and the unit cost of many items. Unit cost estimates were based on the best available information and represent average unit costs. The costs of individual items will fluctuate above and below these averages. The total cost presented herein should therefore be regarded as a planning-level estimate to aid in the determination of the eventual amount of funding likely to be necessary to implement the Plan.

Tables 8-1 and 8-2 summarize the costs likely to be necessary to implement the HCP/NCCP. Cost categories include:

- program administration;
- land acquisition;
- planning and design of management, restoration, and recreation ~~planning and design~~;
- habitat restoration/creation;
- environmental compliance;
- HCP/NCCP preserve management and maintenance;
- monitoring, research, and adaptive management; and

~~—~~remedial measures.~~; and~~

- ~~HCP/NCCP endowment.~~

Some cost elements are split between categories or assigned a single category for simplicity; for example, Implementing Entity staff salaries appear in several categories because staff will perform a variety of functions. All cost categories, however, are mutually exclusive. Each cost category is divided into capital and operational costs. Capital costs are typically one-time costs for land, equipment, or structures. Operational costs are ongoing costs such as staff salaries and

contractor fees. Table 8-1 summarizes total costs, capital costs, and operational costs under the ~~preliminary draft~~ initial ~~permit~~ urban development area. Table 8-2 summarizes total costs, capital costs, and operational costs under ~~preliminary draft~~ the maximum ~~permit~~ urban development area. Costs are summarized by 5-year periods except for year 0, which contains initial start-up expenses. All costs are in ~~2003~~ 2004 dollars.

8.2 Cost Estimate Methodology

This section provides an explanation of each cost category and the methods that were used to develop the HCP/NCCP cost estimate.

The cost spreadsheets used to develop the HCP/NCCP cost estimate are provided in ~~(~~Appendix G.~~)~~ The cost estimates for operations, maintenance and administration were created in coordination with land management agencies in the inventory area—specifically, EBRPD and CCWD. These agencies helped to determine the specific elements in each broad cost category and the unit cost assumptions. The land valuation analysis used to develop the HCP/NCCP land acquisition cost estimates (Appendix G) was based on land and real estate data from appraisers, brokers, land management agencies, and land trusts.

8.2.1 Program Administration

Program administration costs involve the support of employees, facilities, equipment, and vehicles to operate the office of the Implementing Entity. Program administration costs also include associated costs such as travel, insurance, legal and financial assistance, meeting stipends, contingency budgets, and in-lieu payments for law enforcement and firefighting. It is assumed that program administration costs will be necessary in perpetuity.

~~Significant C~~cost savings in program administration can be realized by partnering with existing land-management agencies who already have staff with the required qualifications and have the infrastructure to hire and manage such staff. However, because the ultimate structure of the Implementing Entity is not yet known, for costing purposes it is assumed that the Implementing Entity will be a stand-alone agency that will hire and manage its own staff in its own facilities. This assumption provides a conservative estimate of the cost of staffing and program administration.

Salaries, Office Space, and Equipment

Employee costs include the annual salaries for program administration personnel. For the purposes of the cost estimate, it is assumed that the following positions would be staffed within the Implementing Entity according to the roles described

in Chapter 7: ~~the~~ an Executive Director, ~~the~~ a GIS/Database Technician, ~~the~~ a Budget Analyst, ~~the~~ a Real-Estate Specialist, ~~the~~ a Grant Administrator, and ~~the~~ Administrative Staff that are housed in the office of the HCP/NCCP Executive Director ~~(see Chapter 7 for a description of these positions)~~. The salaries and benefits for non–program administration employees are included in their respective cost categories. A salary multiplier is used for each employee (program administration and non–program administration staff) to include the cost of benefits such as health insurance, training, and a retirement plan.

It is assumed that the office of the HCP/NCCP Executive Director would house all the employees of the Implementing Entity except for onsite preserve staff (e.g., Preserve Manager and Preserve Maintenance Staff). Facilities costs are based on the area of office space that would be required to house the office of the HCP/NCCP Executive Director and the cost per square foot per year to lease the office. General office equipment includes copy and fax machines, an office telephone system, printers, scanners, publications, and digital cameras. GIS and database equipment includes GIS/database servers, a digitizing table, plotter, GIS software, and database software.

The cost for employee-specific office equipment is included in this cost category only for the program administration employees listed above. Office equipment purchased on a per-employee basis includes office furniture, office supplies, computers, cell phones, and portable radios.

Travel and Insurance

Mileage allowance for program administration employees is based on a mileage allowance per employee per year and cost per mile. Travel costs are based on days of travel per year and per diem allowance per employee. The Executive Director's travel costs include a per diem multiplier to cover additional travel expenses such as airfare.

Insurance costs are an important part of program administration. Insurance costs are either per employee per year, or per year for the entire HCP/NCCP program. Per employee per year costs include worker's compensation, disability, life, and automobile insurance for all Implementing Entity employees. Costs for the entire program include directors' and officers' insurance and liability insurance to cover public recreational use within HCP/NCCP preserves.

Outside Legal and Financial Assistance

The Implementing Entity will periodically require outside legal and financial assistance. Attorneys will be needed to draft and review conservation easements, finalize land purchases, assist with negotiations, and assist with easement violations if they occur. Outside financial analysis assistance will also be periodically required to review the program's cost/revenue balance and ensure

that development fees are adjusted in line with changing land costs and inflation. Legal and financial analyst costs are based on the billing rate for legal contractors and the estimated time contracted per 5-year period and the estimated cost for financial analysis services per 5-year period, respectively.

Public Safety Costs

The HCP/NCCP Preserve System ~~may~~ will increase the need for law enforcement ~~or firefighting~~ services in Contra Costa County because of the ~~increase in~~ visitor use ~~to~~ of the new preserves. The need for firefighting services will also increase because of the increased use of prescribed burning as a management tool. The risk of wildfire may increase because grazing pressure will likely be reduced in some areas, increasing fuels, and because increased recreational use will increase the chance of human-caused ignitions. To address these impacts, the Implementing Entity will pay the County to cover preserve-related public safety costs on an annual basis. The number of police officers and firefighters funded per 5-year period is based on the total area projected to constitute designated preserves during the specified period and the predetermined areal extent of preserve that would require the funding of one officer or firefighter, respectively.

8.2.2 Land Acquisition

Land acquisition costs are divided into two broad categories. The first entails the cost of investigating the biological value of land and other expenses associated with the land transaction. The second is the price of the land or conservation easement itself.

Land Transaction Costs

Land transaction costs include due diligence, reconnaissance-level biological surveys (planning surveys), and initial site improvements.

The process of investigating a parcel of land before acquiring it is considered due diligence. It is assumed that 25% more parcels will be investigated than will be acquired. Due diligence costs include the costs for appraisal, preliminary title report, Phase 1 Site Assessment[1], and legal description. Due diligence costs also

[1] A Phase 1 Site Assessment is a preliminary investigation to determine if a site might contain hazardous materials. Typical methods include a literature and database search, interviews to determine land use history, and site reconnaissance. If results are positive (i.e., the site is determined to contain or possibly contain hazardous materials), a Phase 2 Assessment is conducted. Sites with hazardous materials will be evaluated for potential cleanup, and the costs for clean up will be weighed against the effect on the Preserve System design should the site not be protected, to determine whether the site would still be acquired. ~~However~~For costing purposes, it is assumed that sites with positive Phase 2 Assessment results (i.e., sites that may contain hazardous materials) will not be ~~considered for~~added to the HCP/NCCP Preserve System.

include the cost of a boundary survey and monumentation, if necessary. To determine the cost of boundary surveys and other costs that are dependent on parcel size, an average parcel size and perimeter length within the Zones was developed using GIS analysis.

As described in Chapters 5 and 7, surveys will be required to determine the biological value of any land considered for inclusion in the HCP/NCCP Preserve System. Planning surveys include surveys for:

- land-cover type (Conservation Measure 1.2.4),
- covered species habitat (Conservation Measure 1.2.1),
- covered plant populations (Conservation Measure 1.2.2),
- wetlands (i.e., jurisdictional delineations; Conservation Measure 1.2.3),
- rare vegetation communities and associations and rare landscape features (Conservation Measure 1.2.4), and
- covered wildlife populations (Conservation Measure 1.2.1).

The cost of these surveys is based on the estimated number of hours per acre required for each type of survey and the cost per hour for contracting biologists to conduct the surveys (the cost per hour includes travel costs for the contractors).

Some newly acquired land may need to be stabilized before habitat management, restoration activities, or public access can begin. Site improvements may include (but are not limited to) demolition or repair of unsafe facilities; remediation of minor contaminants; repair of boundary fences; repair and replacement of gates; installation of signs (e.g., boundary and landmark signs); road repair; repair and replacement of creek crossings; and removal of nonnative species. These costs are based on an estimated cost per acquired parcel, with the exception of boundary fence repair, which is based on the average boundary length per parcel mentioned above and the estimated cost per linear foot for fence repair.

Land transaction costs are expected only during the 30-year permit term of the HCP/NCCP. Land transaction costs will end once the Preserve System has been fully assembled by the end of the permit term.

Land Acquisition or Conservation Easement Costs

Land acquisition costs are estimated to range from approximately $133,325,000 to $175,325,000 [to be revised slightly when land cost model is rerun] for fee title acquisitions or conservation easements over approximately 23,~~400~~525 to 30,~~800~~ 950 acres of land under the ~~preliminary draft~~ initial ~~permit~~ urban development area and ~~preliminary draft~~ maximum urban development ~~permit~~ area assumptions, respectively.

It is presumed that the majority of land will be acquired in fee title. All parcels in the agricultural preservation zone to the east of Brentwood (Zone 6) are assumed to be protected through the purchase of conservation easements. There have been few comparable conservation easement sales in the County to date, though typical costs suggest values of 50–~~75~~90% of the fee title value. Given the uncertainty of the cost of the easements and the opportunities to purchase them, it is assumed that the overall land acquisition cost of the 1,200–1,600 acres (under the ~~preliminary draft~~ initial urban development ~~permit~~ area and ~~preliminary draft~~ maximum urban development ~~permit~~ area assumptions, respectively) in Zone 6 is 90% of the fee title value. For the purposes of this analysis, no dedications to the preserve system by means of a gift or transfer of a conservation easement associated with a development project were assumed. Actual costs will be lower if such dedications occur.

Fee title land values were based on a review of comparable sales and interviews with appraisers, real estate brokers, and land management agencies active in the region (see Appendix G). Values were based on size, land use designation, proximity to urban infrastructure, and topography. All land value estimates represent average planning-level estimates. They are based on private market values derived from either arm's-length sales transactions or simplified pro forma residual land value analysis. Actual sales prices of individual properties will vary considerably around these averages.

Per-acre values were developed for the various land-value categories and were then applied to the acquisition requirements outlined in the conservation strategy (Chapter 5) using spatially explicit GIS analysis (see Appendix G). ~~The analysis yielded total cost estimates for both cost-minimizing and biological-value maximizing acquisition strategies.~~

Fee title and conservation easement land acquisitions are assumed to occur evenly through time over the course of the permit term. As a result, ~~about~~ 3,~~900~~ 921 or 5,~~100~~ 158 acres ~~acres~~ (under the ~~preliminary draft~~ initial urban development ~~permit~~ area or the ~~preliminary draft~~ maximum urban development ~~permit~~ area, respectively) will be acquired every 5 years until a total of 23,~~400~~525 acres or 30,~~800~~ 950 acres have been acquired by the end of the permit term. Land costs will likely increase over time; mechanisms for addressing these increases are described below in *Funding Sources and Assurances*. Land acquisitions and associated costs are expected to be incurred throughout the permit term but not beyond it.

8.2.3 Management, Restoration/Creation, and Recreation Planning and Design

Management, restoration, and recreation planning and design costs are estimated to be, on average, $197,000 or $199,000 annually during the permit term under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2). Management, restoration, and

recreation planning and design costs include the costs associated with planning and designing HCP/NCCP conservation actions.

Management planning activities include:

- preparing management plans for non-agricultural preserves (Conservation Measure 1.4.3),
- preparing management plans for conservation easements in agricultural areas (Conservation Measure 1.4.4),
- developing or renewing grazing leases,
- creating a Preserve System–wide exotic plant control program (Conservation Measure 1.4.1), and
- creating a Preserve System–wide fire management/control plan (Conservation Measure 1.4.3).

Recreation planning activities include creating a Preserve System–wide recreation plan and creating construction designs for limited new recreational facilities such as trails, gravel parking lots, gates, information kiosks, or restroom facilities (Conservation Measure 1.4.2).

Restoration planning and design activities include developing:

- wetland and pond enhancement and management plans for specific sites, if necessary (Conservation Measure 2.2.1);
- wetland and pond restoration or creation plans and construction designs (Conservation Measure 2.2.2);
- native grassland enhancement plans for specific sites, if necessary (Conservation Measure 2.3.1);
- oak savanna restoration plans and construction designs (Conservation Measure 2.4.3);
- stream restoration plans and construction designs (Conservation Measure 2.6.2); and
- riparian woodland/scrub restoration plans and construction designs (Conservation Measure 2.6.2).

It is assumed that the same Implementing Entity employees will conduct management, restoration, and recreation planning and design work; habitat restoration/creation work; and monitoring, research, and adaptive management work. One-third of the employees' time is assumed to be spent on planning and design work, one-third is estimated to be spent on habitat restoration/creation work, and one-third is estimated to be spent on monitoring work. Accordingly, one-third of employee, office equipment, vehicle and fuel, and travel costs are assigned to planning and design; one-third are assigned to habitat restoration/creation; and one-third are assigned to monitoring, research, and

adaptive management. Contractor costs are specific to the planning and design cost category.

Employee costs include one-third of the yearly salary for a Senior Scientist and ~~Biological~~ biological ~~Staff~~staff~~:~~ including a senior planner, a project manager, and technical support personnel. In addition, a salary multiplier is used for each employee to include the cost of benefits such as health insurance, training, and retirement.

The cost for office equipment includes one-third of the cost of office furniture, office supplies, computers, cell phones, and portable radios. The costs for office space, shared office equipment, GIS and database equipment, and insurance for planning and design employees are included in the program administration cost category.

Vehicle and fuel costs are based on the number of vehicles purchased and retired during each 5-year period, the purchase price of a vehicle, and fuel and maintenance costs per vehicle per year. Travel costs for planning and design employees are based on days of travel per year and per diem allowance per employee. One-third of the cost from the vehicle and fuel and travel cost elements is assigned to the planning and design cost category.

Contractors are expected to be needed for a majority of the preserve management and restoration/creation planning tasks for the first 5 years of HCP/NCCP implementation due to the time required to hire and train Implementing Entity staff and the need for many management plans early in implementation. Implementing Entity staff are expected to assume most of the planning work by years 6–10, including management plan development and restoration/creation planning. Contractor costs include the cost of hiring outside contractors for management, recreation, and restoration planning work. Contractor costs are based on the estimated contract value for each type of contract work for each 5-year period.

It is expected that contractors will conduct the majority of restoration/creation project design work throughout the term of the permit. Design work includes developing specific restoration/creation designs (plans and specifications are covered under the habitat restoration/creation cost category). Contractor costs are based on the estimated contract value for each type of contract work for each 5-year period.

It is assumed that all planning and design costs would be necessary in perpetuity but would be reduced substantially after the permit term. By the end of the permit term most if not all restoration and creation projects are expected to be completed (although they may not have yet reached performance standards). In addition, all Preserve System management plans and most, if not all, preserve-specific management plans will have been written. However, preserve management plans will need to be updated and modified in perpetuity.

8.2.4 Habitat Restoration/Creation

Habitat restoration/creation costs are estimated to be, on average, $296,000 or $337,000 annually during the permit term under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2). Habitat restoration/creation costs include:

- the cost of restoring or creating each required land-cover type;
- costs associated with the habitat restoration/creation employees, such as salaries, benefits, office equipment, vehicles and fuel, and travel; and
- costs for using contractors to conduct habitat restoration/creation work.

Employee costs are shared with the management, restoration, and recreation planning and the design and monitoring, research, and adaptive management cost categories; one-third of employee salary, benefit, office equipment, vehicle and fuel, and travel costs are assigned to the habitat restoration/creation cost category.

The land-cover types that would be restored under the ECCC HCP/NCCP ~~include~~ are oak savanna, riparian woodland/scrub, perennial wetland, seasonal wetland, alkali wetland, slough/channel, ~~open water, ponds,~~ and streams. Ponds would be created. Impacts to open water would be offset by pond creation. Similarly, stream impacts that could not be offset by stream restoration would be offset by additional off-stream pond creation. The cost per acre for restoring or creating each land-cover type includes but is not limited to: site preparation; direct seeding; growing container stock; harvesting cuttings in the field; field planting; planting materials (e.g., mulch); ~~site construction~~earthmoving; constructing water control structure, if needed; and irrigation system construction and maintenance, if needed. The cost is developed for each 5-year period based on the area of each land-cover type that is estimated to be restored during that period (to take efficiencies of scale into account).

~~It is assumed that technical staff would spend one-third of their time overseeing or conducting restoration/creation projects; accordingly, employee costs include one-third of the yearly salary for a senior scientist, senior planner, project manager, and technical support personnel. In addition, a salary multiplier is used for each employee to include the cost of benefits. One-third of the cost for office equipment, vehicles, vehicle fuel, and travel is also included, as described above in the cost category planning and design.~~

~~The cost for office space, shared office equipment, GIS and database equipment, and insurance for habitat restoration/creation employees is included under the program administration cost category.~~

It is expected that contractors would be hired to construct all but the smallest habitat restoration or creation projects due to the specialized equipment and plant propagation needed. For large-scale projects, a great deal of labor is typically required (e.g., planting seedlings, cuttings, or container stock for riparian or oak

savanna restoration projects), which only a contractor can provide. In addition, it is expected that contractors would be hired to create restoration/creation plans and specifications, assist with construction bids, oversee the construction of habitat restoration/creation projects, and conduct postconstruction maintenance. Contractor costs are based on the estimated contract value for each type of contract work for each 5-year period.

It is assumed that all habitat restoration/creation costs would be incurred during the 30-year permit term. All habitat restoration/creation projects will be implemented during this period. The cost of management of all restoration/creation projects after the reach their success criteria is included in the preserve management category described below.

8.2.5 Environmental Compliance

Environmental compliance costs are estimated to be, on average, $120,000 annually during the permit term under either urban development scenario (Tables 8-1 and 8-2). As described in Chapter 7, environmental compliance will be needed during implementation for certain land management and restoration activities within HCP/NCCP preserves. All costs are based on average costs for contracting the preparation and submittal of compliance documents and applications. Environmental compliance costs are assumed to include compliance with NEPA and CEQA, Sections 401 and 404 of the Clean Water Act, Section 106 of the National Historic Preservation Act (NHPA), Sections 1600–1607 of the California Fish and Game Code, and other miscellaneous requirements (e.g., county grading permits, road encroachment permits).

For purposes of cost estimation, HCP/NCCP projects are divided into three size/complexity categories:

- small/simple (up to 10 acres or up to 0.1 stream mile),
- medium /moderately complex (10.1–50 acres or 0.1–0.5 stream mile), and
- large/most complex (more than 50 acres or 0.5 stream mile).

Environmental compliance costs area assumed to vary with the type of compliance and the size and complexity of the project. It is assumed that Section 404 and Section 1602 permits will be procured on a per-project basis. A Section 404 Regional General Permit and Master Streambed Alteration Agreement may be available for use by the Implementing Entity. However, for the purpose of this cost estimate, the conservative assumption is made that these general permits will not be available. NHPA compliance is assumed to cover cultural resource inventory only. If significant cultural resources are found at a location subject to disturbance by management, restoration, or other Plan activities, the activities would be relocated.

All environmental compliance costs are expected to be incurred during the permit term because they are associated with initial preserve management actions and habitat restoration/creation projects.

8.2.6 HCP/NCCP Preserve Management and Maintenance

HCP/NCCP preserve management and maintenance costs are estimated to be, on average, $963,000 or $1,152,000 annually during the permit term under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2). Preserve management costs are correlated with the size of the Preserve System so will grow as the Preserve System grows. However, costs will not grow directly with the size of the Preserve System because per acre management costs are expected to decrease as the Preserve System gets larger.

Preserve management and maintenance costs are assumed to be required in perpetuity. Management and maintenance costs beyond the permit term are assumed to be the same as the costs in Year 30, approximately $1,352,000 or $1,638,000 annually under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2).

HCP/NCCP preserve management and maintenance costs cover the ongoing management and maintenance of the HCP/NCCP Preserve System, exclusive of management planning and design and construction of habitat restoration or creation projects. Costs related to management and maintenance activities could include:

- costs related to Preserve System staff;
- construction and maintenance of field facilities;
- purchase of field office equipment and field vehicles;
- purchase and maintenance of field equipment;
- purchase of construction materials; and
- maintenance of ponds (e.g., water pumping, dam repair, dredging).

Management and maintenance employees include the Preserve Manager and Preserve Maintenance Staff, which comprises preserve maintenance staff members and an administrative assistant. The number of each employee type in each 5-year period is based on the area of preserve in each period and the area each employee type is assumed to cover. Employee costs include the salary and a salary multiplier (to include the cost of benefits, training, and retirement) for each employee.

The cost for office equipment includes the cost of office furniture, office supplies, computers, cell phones, and portable radios. In addition, it includes the cost to lease a copy and fax machine and to purchase a printer and office phone system for the HCP/NCCP Preserve System field facility. The cost for GIS and database equipment and insurance for management and maintenance is included under the program administration cost category.

Management and maintenance vehicles include small trucks, four-wheel drive trucks, all-terrain vehicles, dump trucks, large tractors, small tractors, and small four-wheel drive vehicles. Vehicle and fuel costs are based on the number of each type of vehicle purchased and retired during each 5-year period, the purchase price of each type of vehicle, and fuel and maintenance costs per each type of vehicle per year.

Travel costs are assumed to be incurred by the Preserve Manager only. Costs are based on days of travel per year and the HCP/NCCP per diem allowance.

Preserve management and maintenance employees will have access to the office space of the HCP/NCCP Preserve System (covered under the program administration cost category), but their primary office space is assumed to be a field facility. Field facilities are small buildings that would house workshop space, equipment, a manager's office, a shared office for field staff, a locker room, and restrooms. Field facilities also include secure covered parking for maintenance vehicles. The cost for constructing and maintaining the facilities and parking areas is included in the maintenance and management category. The cost is based on the preserve area that is assumed to be managed by the staff in each facility and the cost to construct the facilities and parking areas. The estimated cost per year for field facility maintenance and utilities is included for each facility.

The cost for maintenance equipment and materials is based on the estimated cost of equipment and materials per 1,000 acres of preserve per year and the area of preserve in each 5-year period. Maintenance equipment and supplies include firefighting equipment, small tools ~~(e.g., pliers, wrenches, screwdrivers)~~, safety glasses, gloves, hardhats, raingear, small pumps, generators, saws, demolition hammers, cargo containers, water pipes, irrigation supplies, landscape plants ~~and grass, oak trees~~, and lumber.

Water would be pumped for use in existing stock ponds as needed to maintain water levels for their habitat value for covered species and native biological diversity[2]. It is assumed that wells would need to be drilled and pumps would need to be purchased. Water costs are based on the estimated annual cost for well drilling and water pumping per 1,000 preserve acres and the total amount of preserve area in each 5-year period.

[2] Constructed ponds would be sited to minimize their need for supplemental water. Existing ponds that provide breeding habitat for covered species, if not sited properly, may need supplemental water to be maintained.

Some management and maintenance work is expected be conducted by outside contractors, including:

- dirt and paved road maintenance and repair,
- pond maintenance,
- major pest management,
- pre-construction surveys for biological resources ~~clearing~~,
- large-scale mowing ~~or disking~~ for fire breaks,
- boundary surveying,
- fence maintenance and repair,
- alarm installation and maintenance for field offices, and
- janitorial services.

Contractor costs are based on the annual amount estimated to be expended for each type of contractor per 1,000 preserved acres and the total amount of preserve area in each 5-year period. ~~Preserve management and maintenance costs are assumed to be required in perpetuity.~~

8.2.7 Monitoring, Research, and Adaptive Management

Monitoring, directed research, and adaptive management costs are estimated to be, on average, $547,000 or $658,000 annually during the permit term under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2). Monitoring, research, and adaptive management costs are assumed to be required in perpetuity. These costs beyond the permit term are assumed to be the same as the costs in Year 30, approximately $638,000 or $812,000 annually under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2). As with management costs, total monitoring costs will increase as the Preserve System grows but per acre monitoring costs will decrease as the Preserve System gets larger. Monitoring, research, and adaptive management costs are assumed to be required in perpetuity.

Monitoring, directed research, and adaptive management are described fully in Chapter 6. Monitoring, directed research, and adaptive management costs cover:

- ~~the cost of~~ planning, conducting, analyzing, and reporting on ~~implementation~~ monitoring for ecosystems, natural communities, and covered species;~~,~~
- planning, conducting, analyzing, and reporting on monitoring the effectiveness of conservation measures and habitat restoration/creation projects;

- planning surveys to assess properties prior to land acquisition;
- preconstruction surveys and construction monitoring, if needed within the Preserve System prior to implementing project such as habitat restoration or facility construction;
- ~~the cost of funding directed~~ research directed at management and conservation needs of the Preserve System; and
- ~~the cost of funding the participation of~~stipends for Science Advisors and the Independent Conservation Assessment Team in adaptive management review and meetings.

It is assumed that Implementing Entity employees conducting monitoring, directed research, and adaptive management will plan, coordinate, and report on HCP/NCCP monitoring. It is assumed that contractors will collect monitoring data. Monitoring, research, and adaptive management employee costs are shared with the management, restoration, and recreation planning and design and habitat restoration/creation cost categories; one-third of employee salary, benefit, office equipment, vehicle and fuel, and travel costs are assigned to the monitoring, research, and adaptive management cost category.

The cost for office space, shared office equipment, GIS and database equipment, and insurance for monitoring, research, and adaptive management employees is included under the program administration cost category.

Contractor costs for collecting monitoring data are based on the estimated number of hours per acre required for each type of monitoring, the area that will be covered by each type of monitoring in each 5-year period, and the cost per hour for contracting biologists to conduct the monitoring (the cost per hour includes travel costs for the contractors).

~~Directed research costs are based on the amount that is assumed to be spent in each 5-year period to conduct directed research to improve implementation of the conservation strategy.~~

Adaptive management costs cover scientists on the Independent Conservation Assessment Team and in the pool of Science Advisors ~~participation~~ in the adaptive management decision-making process. These costs are based on the annual amount assumed to be needed as a stipend for each of 10 Science Advisors. Costs also include a stipend for the year in which each of five Independent Conservation Assessment Team members will serve (assumed to be every 5 years). Stipends for Team members include travel costs. The cost of adaptive management experiments is covered under the cost for directed research and monitoring.

~~Monitoring, research, and adaptive management costs are assumed to be required in perpetuity.~~

8.2.8 Remedial Measures

Remedial measures costs are estimated to be, on average, $30,000 or $33,000 annually during the permit term under the initial urban development area and maximum urban development area scenarios, respectively (Tables 8-1 and 8-2). Remedial measures for created/restored habitat are assumed not to be needed once the performance standards are met. The cost of remedial measures for other preserve areas is assumed to be required in perpetuity. This cost, on average, is estimated at $16,000 per year[3].

Remedial measure costs cover the cost to implement remedial measures in response to changed circumstances or the failure to meet performance standards (see Chapter ~~6~~ 9 for a description of all changed circumstances and remedial measures). Remedial measure costs for created/restored land-cover types are calculated based on the percentage of each restored/created land-cover type that is assumed to require remedial measures in each 5-year period and the cost per acre for restoration/creation of the land cover types. Remedial measures for changed circumstances unrelated to restoration/creation sites is based on a percentage of annual preserve management and maintenance costs that is assumed to be needed to conduct remedial actions.

~~Remedial measures for created/restored habitat are assumed not to be needed once the performance standards are met. The cost of remedial measures for other preserve areas is assumed to be required in perpetuity.~~

8.3 Funding Sources and Assurances

Methods for assembling and equitably distributing the costs associated with the HCP/NCCP have been the subject of extensive discussion and consideration by stakeholders, officials from local, state, and federal agencies, and elected officials. The East Contra Costa County Habitat Conservation Plan Association Coordination Group, composed of representatives of private development and business interests, agricultural organizations, conservation organizations, landowner groups, and public agencies, helped to develop and recommend strategies for assembling and funding the HCP/NCCP Preserve System through a Funding Subcommittee. The HCP/NCCP, which incorporates the input from this diverse group, offers a balanced approach to conserving species and habitats while equitably distributing the costs.

The HCP/NCCP establishes a framework for compliance with state and federal endangered species laws and regulations that accommodates future growth in the permit area. Without the HCP/NCCP, the responsibility for mitigating impacts to endangered species and their habitats would rest only with those public and private entities whose activities directly affect declining species and their habitats and the responsibility for conservation actions designed to aid recovery of

[3] Remedial costs would be incurred at irregular intervals, but much less frequently than on an annual basis.

endangered species would rest primarily with government agencies representing the public at-large. The HCP/NCCP will address both the goals of mitigation and recovery. Consequently, the HCP/NCCP distributes the responsibility for conservation more widely under the assumption that the benefits of a successful HCP/NCCP will be shared by a broader group that includes not only the existing and future communities within the permit area but also the citizens of California and the United States. A variety of groups will directly benefit from the HCP/NCCP and will share in the responsibility for implementing the HCP/NCCP, which includes the costs associated with land acquisition and the long-term management and monitoring of those lands.

~~Funding sources must be identified for Plan costs (Tables 8-1 and 8-2).~~ Plan funding ~~can~~ will come from a number of different sources, which. ~~Funding sources generally~~ fall into one of three categories.

- **Development-Based Funding Sources.** These include developer mitigation fees~~, and~~ developer land dedications~~, and transfer of development rights programs~~.
- **Other Local Funding ~~Measures~~.** Non-fee-based local funding will complement development-based funding and state and federal grants. Local funding will take many forms~~; these can include water rate surcharges, adoption of a special tax (e.g., sales tax increase or parcel tax), establishment of a Benefit Assessment District, or issuance of general obligation bonds.~~, including continued investments in conservation by EBRPD (funded by a variety of property tax and assessment sources) and local land trusts. Although not assumed in revenue projections, local funding may be supplemented by future park and open space funding measures.
- **~~Grants~~State and Federal Funding.** These include federal ~~,~~ and state~~, and nongovernmental organization~~ grant programs (e.g., USFWS grants under Section 6 of the ESA, ~~CDFG~~ Wildlife Conservation Board grants, and state bond~~s issuances, and private grant programs~~). Some of these funding sources are generally available throughout the state and nation while others can only be used to implement an approved HCP/NCCP.

Table 8-3 [Modify Table 3 from EPS funding memo 9-3-04] lists the expected revenue and their sources over the Permit Term. In general, developer fees will contribute to the mitigation obligations of the Plan while non-fee funding from local, state, and federal sources will contribute to the conservation needs of the Plan (i.e., the contribution to species recovery). ~~Other conservation organizations active in the area can also make significant contributions to the HCP/NCCP by acquiring land and managing them in accordance with HCP/NCCP requirements. In this way the Implementing Entity is required to make fewer land acquisitions and must generate correspondingly less funding.~~Each funding source is described below.

8.3.1 Development Mitigation Fees

Development fees were determined using a "fair share" cost apportionment analysis that is described in detail in Appendix G. This analysis considers the pace of open space acquisition relative to the pace of development before and after adoption of the HCP/NCCP and assigns the costs of the HCP/NCCP according to the premise that future development should pay a share of the costs of habitat conservation in the inventory area proportionate to its share of the overall habitat impacts to the inventory area. The analysis takes into account the fact that cultivated agriculture removes some but not all biological and open space values from a site. Because the pace of habitat protection relative to development before plan adoption was significantly lower than will be required under the HCP/NCCP, new development will pay a share (52%) of the costs of implementing the HCP/NCCP, and existing development (i.e., the public) will also pay a share (48%).~~The analysis also considered the amount of impact fees developers are already levied in the inventory area.~~

The HCP/NCCP development fee was set to:

- be consistent with the fair share apportionment analysis,
- generate sufficient funding to offset a substantial portion of HCP/NCCP costs,
- be consistent with the general level of biological impact associated with projects in different areas, and
- compare favorably with the actual cost of ESA and wetland permitting on a project-by-project basis, including the cost of uncertainty and project delays.

As described in Chapter 4, impacts to covered species and natural habitats vary according to whether projects occur within urban development, in cultivated agricultural areas (Acquisition Analysis Zone 6), or in natural land cover types (Acquisition Analysis Zones 1-5). To account for this difference in impact, the development fee will vary based on project location. Three Fee Zones are defined that determine the fee paid by development (Figure 8-1), regardless of the land cover type within them. These three zones generally correspond to dominant land cover type and habitat and open space value:

- **Zone I:** Eastern Agricultural Zone. Land within this zone is dominated by cultivated agriculture in the flat eastern portion of the inventory area. Habitat value is lower in this zone than in natural land cover types in the foothills of Mount Diablo.
- **Zone II:** Natural Areas Zone: Land within this zone is dominated by natural land cover types
- **Zone III:** Infill. Specific, undeveloped parcels less than 10 acres in size were mapped within the ULL. Development of these parcels will result in loss of open space but minimal loss of habitat values. Participating

jurisdictions have the option of setting the minimum parcel size for this fee at 0 or 1 acre.

Lands inside the ULL and mapped as urban, turf, or aqueduct land cover by the HCP/NCCP will not be assessed the development fee. These areas are considered developed and do not support habitat for covered species. This exemption is designed to exclude lands within urban areas that are being redeveloped. Developed areas within the ULL not mapped by the HCP/NCCP will be assessed the HCP/NCCP fee. See the sections below to determine fees for covered activities outside the ULL.

Development fees will be assessed on the acreage of land permanently removed by covered activities. "Permanently removed" is defined broadly to include undeveloped land that is isolated from natural areas by development. The entire parcel is subject to the development fee unless a landowner dedicates a portion of the property to be included in the HCP/NCCP Preserve System. The portion of the property included the Preserve System would not be assessed the development fee. Required buffers adjacent to the Preserve System (see Conservation Measure X.X.X) do not count as part of the Preserve System and are therefore subject to the development fee. Land subject to any wetland fee will also be included in the development fee calculation (i.e., wetland fee is additive).

Table 8-4 [just fee amount by zone, no acreage figures or revenue projections] lists the initial development fees by Fee Zone. Development fees will be adjusted over time to account for inflation (or deflation) according to the indexes and methods described below.

As described in Chapter 7, all or a portion of the development fee can be waived in exchange for land dedication or exchange. The amount waived will be determined by the Implementing Entity on a case-by-case basis according to the principles described in Chapter 7.

Timing of Development Fee and Option for On-Going Assessment

Development fees will be paid to local jurisdictions (or in the case of agencies not subject to local jurisdictions, to the Implementing Entity) at the time the first construction permits are issued (typically grading permits are the first construction permits issued). For other covered activities with permanent impacts, fees will be paid at or before the time of ground-disturbing activities.

Developers have the option of paying up to 34% of their total development fee through on-going assessments on developed parcels or other mechanisms tied to their specific project. The cap on the portion of the development fee that can be paid with annual assessments was set to match the proportion of Plan costs required for on-going administration, management, and maintenance. This

option is designed to provide an on-going source of income to the Implementing Entity while still ensuring that the portion of the fee needed for land acquisition is collected up front.

Assessments are required to be in perpetuity to provide a lasting revenue source to the Implementing Entity. In addition, assessments are required to be guaranteed through either bonds sold against the assessment for the portion of the development fee not paid for at the time of development or through binding restrictions on changes to the assessment. Repayment terms of the bonds shall not extend beyond the life of the permit. Automatic increases of the annual assessment shall be established when the assessment district is created. These increases must be at least as high as the Consumer Price Index (CPI) for the San Francisco Bay Region, (see below and Table 8-7).

Wetland Mitigation Fee

Applicants that fill, dredge, or remove wetlands, streams, ponds, or riparian woodland/scrub land cover types will be required to pay an additional "wetland fee" on top of the basic development fee. This wetland fee is intended to pay the full cost of restoration or creation of these land cover types, including design, implementation, post-construction monitoring, and remediation. Management and monitoring after success criteria are met (i.e., after wetland is fully functioning) will be covered by the basic development fee. Restoration of oak savanna is also required by the Plan, but the cost of this restoration is included in the basic development fee because it is not associated with wetlands and other jurisdictional waters.

As described in Chapter 5, mitigation requirements for wetland, stream, pond, and riparian woodland/scrub impacts include both preservation and restoration/creation. The wetland fee will cover wetland restoration or creation, but not wetland preservation. Preservation of these land cover types is included in the basic development fee because land prices will not be significantly affected by the presence of these land cover types, and most restoration/creation will occur on land already owned by the Implementing Entity. Therefore, for every acre of impact to wetlands, streams, ponds, and riparian woodland/scrub, applicants will pay the appropriate basic development fee (according to zone) towards land acquisition and the conservation program as a whole, as well as a wetland fee to cover the costs of successful restoration or creation. Wetland fees will vary by wetland type to account for the different costs of restoration and the different mitigation ratios required (Table 8-5). Table 8-5 also lists the accepted methods for determining the area to which the wetland fee applies. See Appendix G for the calculation of wetland fees by wetland type.

Applicants have the option of constructing and monitoring their own wetland, stream, ponds, or riparian mitigation in lieu of paying the wetland fee as long as wetland success criteria are met prior to project construction. Alternatively, applicants may purchase credits in a private mitigation bank in the inventory area that has been approved separately by USFWS and CDFG and pre-approved to

service the HCP/NCCP (currently there are no such banks in the inventory area, but they may be established). Guidelines for the use of mitigation banks are found in the section *Private Mitigation Banks* in Chapter 7.

The cost of the wetland mitigation program will depend on the amount and type of wetland removed by covered activities. Because the program will be self-funding by the wetland mitigation fee, the total estimated program costs of approximately $12,000,000[4] have been subtracted from overall Plan costs when calculating the basic development mitigation fee.

Rural Road Fee

Rural road fees are described in Table 8-6. Rural roads pay a fee amount different than other types of development because these projects fragment habitat, create substantial barriers and hazards to wildlife movement, and have a greater per-acre impact than most other types of development projects. Special conservation measures were created to address the unique and substantial effects of rural roads planned for the inventory area (see Chapter 2 for a description of these projects and Chapter 5 for a description of the conditions that apply to them). Residential and commercial urban development generate much of the need for rural road projects, so a portion of the impacts caused by these rural projects has been assigned to future urban development for the purposes of calculating the basic fee on new development. Agencies constructing the rural road projects would be responsible for paying the portion of the road fee not covered by the basic fee on new development.

As described in Table 5-X, certain covered rural road projects are required to implement certain avoidance and minimization measures. Other measures are optional and, if implemented, would reduce the rural road fee. The discount received would be determined by the Implementing Entity on a case-by-case basis because the scale and nature of the additional measures must be taken into account (e.g., the number, length, and position of viaducts proposed). [Revisit once road fee is finalized]

Temporary Impact Fee

As described in Chapter 2, there are many covered activities that are on-going result in small, localized, temporary impacts to natural land cover types. As described in Chapter 4, the majority of these activities, particularly those within the ULL, will have little or no effect on covered species or their habitats. Some on-going activities, however, are expected to have substantial temporary impacts on covered species due to their large footprint, linear nature, location in the inventory area, effect on local soils or hydrology, or a combination of these factors. Temporary impacts are defined as any impact to vegetation or habitat

[4] Wetland mitigation costs were estimated based on the number of acres of wetland impact by type times the wetland fee by type.

that does not result in permanent habitat removal. (Covered activities with permanent impacts must pay the development fee as described above.)

The following covered activities will be assessed a temporary impact fee in the same way as the development fee (see Figure 8-1 and Table 8-4) for the portion of the project outside the ULL:

- Gas pipeline repair or replacement (trenching).
- Vegetation clearing along right-of-ways for gas line or transmission line clearance (safety).
- Underground telecommunication line installation, repair, or replacement.
- Transmission tower replacement, or
- Underground electrical transmission line installation, repair, or replacement.

The following covered activities will be assessed a temporary impact fee inside and outside the ULL because of their potential effects on covered species and aquatic communities:

- Mowing, herbicide use, or tree trimming for vegetation control as needed to maintain design flood capacity in stream channels, reservoirs, or in-stream detention basis.
- Repair channel banks from erosion or slope failure, or
- Silt removal within non-tidal areas of natural channels or reservoirs to maintain design flood capacity; activity may include temporary dewatering to allow silt removal (silt removal in Marsh Creek Reservoir is not a covered activity because of the potential to mobilize high concentrations of mercury in the sediment).

To reduce administrative costs, temporary impact fees will not be assessed on any covered project with impacts of less than 0.05 acres.

Fee Adjustments

The dynamic nature of the costs associated with HCP implementation, including land acquisition costs and operating, maintenance, and management costs, requires a flexible approach to funding through time. Many existing HCPs have not incorporated sufficient flexibility into their funding mechanisms and, as a result, have found that funding lags behind increasing costs, compromising plan implementation. This is in part due to the impossibility of perfectly predicting future cost changes. This Plan includes two mechanisms for adjusting fee levels, automatic adjustments and periodic audits. For details on both of these components, see Appendix G.

Automatic Fee Adjustments

The two primary costs of the Plan, land acquisition and operations/maintenance, will likely change at different rates over time. Land costs in many areas of California, including the San Francisco Bay Area, generally increase at above the rate of inflation. The significant demand for housing in the Bay Area and the more limited housing supply have increased housing prices significantly, which in turn increases the value of developable land if housing construction costs increase by less than housing prices. Other Plan costs, including the cost of the personnel, supplies, and equipment involved in managing, operating, restoring, and maintaining the Preserve System will more closely follow the general rate of inflation. To account for these differing rates of inflation, participating jurisdictions will change the development, road, and wetland fees automatically at the beginning of each fiscal year according to the indices in Table 8-7. The annual-fee adjustment indices described in Table 8-7 are intended to link land acquisition fee components to a housing price index and operations and maintenance fee components to the general rate of inflation as measured by a CPI.

The variation in the cost of land due to site-specific factors means that it is difficult to develop land cost indices, and, as a result, there are no such indices available. However, given the link between the housing market, housing prices, and land costs, housing prices generally provide a more accurate index for land cost inflation than measures of general inflation, especially for land whose value is primarily generated by its development value. The index used for land acquisition cost inflation is the median home price for cities in Contra Costa County. The index used to develop the non-land cost inflation is the CPI for the San Francisco Bay Region.

Periodic Fee Audit and Adjustment

To ensure that the fees generated by development and other covered activities are adequately covering their share of Plan costs, a thorough fee audit will be completed by the end of Plan years 3, 6, 10, 15, 20, and 25. This schedule was developed to balance the need for frequent assessments with the need to accumulate enough data on which to base a meaningful audit and contain administrative costs.

The cost review process will include a review of the costs and their underlying assumptions that were developed as part of the original funding plan. Actual land sales in the inventory area transacted after the start of the HCP/NCCP will be evaluated and compared to the original land cost assumptions to determine the actual level of land cost inflation. The actual costs of operating, maintaining, and managing the Preserve System will also be compared to the original estimates of these costs to determine the actual level of non-land inflation. The Implementing Entity will hire an outside, independent financial auditor to conduct this analysis.

If either portion of the development or road fee (land acquisition or preserve management) is found to be lower than needed to offset the fee share of actual costs, that portion of the fees will be increased. If either portion of the fees is found to be significantly higher than needed to offset the fee share of actual costs, then the fees will be reduced. Automatic annual fee increases will resume when the fees are predicted to be in line with (or slightly greater than) actual costs.

Following completion of the independent fee audits, fees may be adjusted to reflect refined cost estimates. However, the fee on new development must always be based on the fair share apportionment ratio discussed above. For example, if state and federal contributions are not high as a predicted, the fee on development cannot be raised to make up the difference. Likewise, if grant funds exceed expectations, additional recovery lands will be acquired and development fees will not be reduced. No fee can be raised to offset unexpected Plan costs that exceed available contingency funds. Similarly, if the acreage targets for conservation are adjusted due to changed circumstances (see Chapter 9), fees cannot be raised to offset these changes, although they could reduced.

Interim Project Contributions

During Plan development, if projects contribute funding or land towards Plan implementation consistent with NCCPA requirements and the NCCP Planning Agreement, these funds and land will be available to satisfy the jump start guidelines and provide start-up funds for the Implementing Entity.

8.3.2 Local Funding

Approximately XX% of the funds for Plan implementation will come from local sources, including East Bay Regional Park District and local land trusts. As described in Chapter 7, acquisitions by other organizations can be counted towards HCP/NCCP land acquisition requirements if land is managed in accordance with the terms of the Plan either by the Implementing Entity or by another organization bound by an agreement with the Implementing Entity to manage land in accordance with the terms of the Plan. If only a portion of the land is managed according to the Plan, only that portion can be counted towards Plan requirements.

East Bay Regional Park District

The EBRPD has long been active in land acquisition in Alameda and Contra Costa Counties, including the inventory area. Between 1967 and 2000, EBRPD acquired an average of 2,300 annually District-wide, with an average of about 440 acres acquired in the inventory area each year. If this trend continues, approximately 13,300 acres could be acquired over the next 30 years in the

inventory area (see Appendix G for details and sources). Assuming the trend continues at 75% of the historic rate, EBRPD would acquire 10,000 acres in the inventory area with an estimated value of $65 million. Because approximately 35% of EBRPD acquisition funds come from grants (mostly from State sources), the local contribution of ERBPD from local property taxes and assessments is estimated at $42.25 million. (See Table x or Appendix G for more information)

Local Land Trusts

Organizations such as the Trust for Public Land, Save Mount Diablo, Brentwood Agricultural Land Trust, and the Agricultural Trust of Contra Costa County are actively involved in land preservation and acquisition in the Plan area, though they often facilitate transfers rather than acquiring land themselves. For example, the Trust for Public land brokered the Cowell Ranch purchase in association with the CDPR. Likewise, Save Mount Diablo has been involved in numerous land acquisition over its more than 30 year history, many within the inventory area. For example, Save Mount Diablo has contributed to the growth of Mount Diablo State Park from a few thousand acres to almost 20,000 acres purchased lands near Mount Diablo State Park, Morgan Territory Regional Preserve, and Black Diamond Mines Regional Park. This summary is meant to provide context for the HCP/NCCP. No assumptions were made in the Plan that local land trusts would contribute to HCP/NCCP conservation goals or funding needs.

Other Local Funding

Other local funding could contribute to Plan costs during or after the permit term. For example, a $175 million Open Space Funding Measure was the subject of a special mailout election in Contra Costa County in August 2004 by the Contra Costa County Open Space Funding Authority, a joint powers authority created by Contra Costa County and EBRPD. This measure would have funded approximately $40 million in land acquisitions and land stewardship projects within the inventory area that would have been consistent with the conservation goals of the HCP/NCCP. The proposed funding source was a parcel tax.

Raw votes in favor of the Open Space Measure were 50.1%. However, when votes were weighted according to the amount of tax each voter would pay, as required by law, votes in favor dropped to 46.2%, below the needed simple majority. Despite the failure of this Open Space Measure, the Funding Authority continues to meet on a regular basis and has publicly expressed interest in proposing a similar Open Space Measure in the future. Passage of a similar Open Space Measure could provide substantial additional local funds for the HCP/NCCP.

8.3.3 State and Federal Funding

The U.S. Congress and the California legislature have determined that conserving species and their natural habitats is an issue of both national and state importance. The federal and state governments will fulfill their responsibilities for conservation by assisting local governments and property owners to assemble, manage, and monitor the HCP/NCCP Preserve System. This will contribute to the land acquisition requirements of the Plan, contribute to recovery of listed species in the Plan area, and reduce or avoid the need to list additional species as threatened or endangered. The state government has land under its jurisdiction in and near the inventory area (e.g., Mount Diablo State Park, Cowell Ranch State Park). The management and enhancement of the conservation values on state lands is consistent with the goals of the HCP/NCCP and will further the conservation of covered species in eastern Contra Costa County.

Through the HCP/NCCP Implementing Entity and the Implementing Agreement with the participating jurisdictions and special districts, the federal and state governments have agreed to contribute XXX acres of land to the Preserve System (see below for a discussion of how to measure state and federal contributions). Funding for this land acquisition could come from a variety of sources (Table 8-X).

If, after the exercise of all available authority and utilization of all available resources, the state and/or federal contribution of XXX acres cannot be provided to the HCP/NCCP Implementing Entity, the Plan will be reevaluated by the Implementing Entity, CDFG, and USFWS. All parties will work to together to develop a solution acceptable to all. Adjustments may be made to take authorization, permit term, conservation obligations, or other aspects of the Plan under the permits given the extent of the state and federal contribution to date. However, as discussed above, the development fee cannot be increased to offset a funding shortfall from state or federal sources.

Measuring State and Federal Contributions

State and federal contributions to the Plan are earmarked only for the portion of the Plan that contributes to the recovery of covered species. State and federal contributions cannot be used for the mitigation component of the Plan.

Contributions by the state or federal government to meet Plan requirements must be measured in terms of acreage of land rather than dollars. To address this, Plan funding needs were converted to acreage based on the cost of the land on an adjusted per acre basis. This adjusted ratio takes into account the administration and management costs associated with the land and assumes that the State and federal agencies will not be acquiring and managing the land themselves (e.g., in a new State Ecological Reserve or National Wildlife Refuge).

If the state or federal agency acquires and manages the land themselves, the land acquisition credit they receive will be increased by 34%[5] to offset the on-going financial contribution of land administration, management, monitoring, and all other functions. This factor will be reduced if responsibility for some but not all of Plan implementation requirements will be assumed by the state or federal agency. As with other partners, all land acquired by state or federal agencies must be managed in accordance with the terms of the HCP/NCCP to receive credit under the Plan.

If the state and federal governments contribute a portion of the costs of a land acquisition, the state federal contribution shall be measured as a share of the overall acquired acreage that is in proportion to the state and federal share of the overall cots of the acquisition.

State and Federal Funding Sources

Federal ESA Section 6 Program

USFWS's Section 6 grant program is likely to provide a significant source of grant funding for the HCP/NCCP. USFWS annually provides significant funds to local jurisdictions developing HCPs. The Section 6 grant program is generally divided into three funding categories: HCP Assistance (for planning), HCP Land Acquisition, and Recovery Land Acquisition Grants. Grants are applied for and administered by CDFG.

Over each of the past 3 fiscal years, USFWS has made available, on average, more than $58 million in land acquisition funds nationally. Of this, an average of approximately 41%—nearly $24 million—was dedicated annually for land acquisition for HCPs in California. It is estimated that the East Contra Costa County HCP/NCCP will receive approximately $45 million over the permit term for implementation. This estimate is based on the historic funding rate and on the reasonable expectation that Northern California HCPs will receive more of the California share of funding as more plans are approved and as the large southern California plans complete land acquisition.

Federal Aviation Administration

The Federal Aviation Administration (FAA) may fund the acquisition of land around the Byron Airport that could contribute substantially to the conservation goals in that area. Long-term plans for the Byron Airport include acquiring neighboring parcels in order to secure an adequate *clear zone* in the vicinity of the airport runways. County staff have provided background information on

[5] This value was calculated as the proportion associated with HCP implementation not associated with land acquisition (e.g., program administration, land management, habitat restoration, environmental compliance, monitoring, remedial measures, and contingency) during the first 30 years of Plan implementation. See Table 8-2 and Appendix G for details.

acreage and purchase price estimates related to the clear zone acquisition goals for the airport. All areas of acquisition interest lie within areas of high priority for conservation by the HCP/NCCP. It is assumed that acquisition and conservation of these parcels for airport needs would also satisfy Plan requirements. Current plans include approximately 800 acres for clear zone acquisition at an expected cost of $6.5 million. The FAA matches such airport-related acquisitions at a very high rate (9:1), but the possibility exists that, should the Plan provide any matching funds, clear zone acquisition goals would remain fixed but airport financial contributions would decrease slightly.

State Funding Sources

As described in Table 8-X, there are a variety of sources available for State funding, including existing State Propositions (e.g., 12, 40, 50). Proposition funding for the HCP/NCCP can come from a variety of sources including the Wildlife Conservation Board, CalFed Bay-Delta Program, and California Department of Parks and Recreation. More large bond measures (over $1 billion) for open space preservation and management are expected to be issued as State Propositions in the next few years. If they pass, they could provide significant additional sources of State funding for the HCP/NCCP.

8.3.4 Funding Adequacy

As shown in Table 8-X, funding sources will meet all expected costs of the HCP/NCCP. The following sections provide additional justification as to the adequacy of Plan funding.

Additional Funds Needed for Management or Monitoring

The contingency fund is primarily intended to offset land management or monitoring costs that are higher than predicted by this Plan on a short-term basis. If this fund is inadequate to offset these costs, or if costs are predicted to exceed revenue on a long-term basis, then the ~~Executive Director~~Implementing Entity will consider whether to adjust management and monitoring requirements (without jeopardizing meeting HCP/NCCP requirements) or to raise revenue to offset the funding shortfall. ~~The decision will be based on comparing the feasibility of increasing revenue to the magnitude of the Plan adjustment.~~ When feasible, the Implementing Entity will make reasonable adjustments to revenue to meet the obligations of the HCP/NCCP while maintaining the intent of the *No Surprises* assurances (see Chapter 9). Adjusting management or monitoring requirements outside of the adaptive management framework (see Chapter 6) can only be accomplished with the written approval of the HCP/NCCP Governing Board and permitting agencies. Some changes may require a minor or major

amendment to the HCP/NCCP. See Chapter 9 for rules regarding changes to the HCP/NCCP.

Actions Required Should Revenue Collections or Land Acquisitions ~~do~~ not Keep Pace with Land Development

The NCCPA requires that conservation keep pace with development in "rough proportionality." The Jump Start guideline and Stay Ahead ~~provisions~~ requirement of the Conservation Strategy (see Chapter 5) are intended to ensure that land acquisition and habitat restoration always stay~~s~~ ahead of impacts. Meeting this requirement, however, depends on the steady acquisition of land from willing sellers and a steady stream of funding from non-development sources.

The nature of land acquisition is such that assembly of the Preserve System is not likely to be accomplished in an incremental or predictable fashion. It is expected that large (640 acres or more) land acquisitions will comprise the bulk of the total acreage of the Preserve System. Acquisition of large parcels (or combinations of parcels) is typically more complex and may take~~s~~ longer to realize than acquisition of small parcels. ~~The Implementing Entity should not be penalized for attempting large land acquisitions even though they risk failing to meet Stay Ahead requirements over the short term.~~ Over the long term, larger land acquisitions will save money because of their typically lower price per acre and lower land expense costs per acre (e.g., due diligence, legal fees).

The Implementing Entity will make every attempt to meet Stay Ahead requirements. At the end of each year, if these requirements are not being met, the HCP/NCCP Governing Board will meet with regulatory agencies to determine the cause of this land shortfall. If the cause is the slow pace of large land acquisition deals, then the Stay Ahead requirement ~~will~~ may be waived until the following year. If the cause is a lack of willing sellers, then the Governing Board and the regulatory agencies will meet ~~within 90 days~~ to determine a course of action. Options considered will include slowing or stopping local permit issuance under the HCP/NCCP until enough willing sellers are available, and waiving Stay Ahead requirements (or portions of the requirement) until enough willing sellers are available. Other options include requiring that land be provided in lieu of fees for projects covered by the HCP/NCCP (see Chapter 7).

At annual financial reviews at the end of each fiscal year, if revenue collections from non-development sources are not keeping pace with the funding needs for land acquisition, the Governing Board and the regulatory agencies will meet ~~within 90 days~~ to determine a course of action. Options considered will include slowing or stopping local permit issuance under the HCP/NCCP until adequate outside funds are available to continue land acquisition and temporarily waiving some management, restoration, or monitoring requirements (e.g., Stay Ahead

requirements for restoration) to temporarily mobilize funds for acquisition of key parcels that may be available only for a short time.

Funding for Post-Permit Management and Monitoring

Cost estimates for ~~T~~this Plan do~~es~~ not ~~fund~~ reflect the costs of managing~~ement~~ or monitoring ~~of~~ the HCP/NCCP Preserve System beyond the 30-year permit term. The Plan does include a variety of ~~L~~long-term funding sources ~~such as endowments or other consistent revenue streams will need to be developed by the Implementing Entity during the permit term so that preserve management and monitoring continues after 30 years.~~that will persist beyond the life of the Plan, including assessments on new development, ~~on-going operation of the East Bay Regional and ….~~[additional sources to be added]. Annual costs to maintain the Preserve System in perpetuity should be slightly less than the annual cost estimated during the Years 26–30 funding period.

Proposed Plan of attack:

Plan A: Quantify those on-going sources in place already. Identify more long term funding sources at the outset.

Plan B: Quantify those on-going sources in place already. Describe in detail a strategy for finding additional funds during the life of the plan and assurances that will bolster the level of commitment behind this strategy.

Table 8-1. Summary of East Contra Costa County HCP/NCCP Implementation Costs (Rounded to the Nearest $10,000) for Preliminary Draft Initial Permit Area

	Implementation Period (Years)							
Cost Category	0[1]	1–5	6–10	11–15	16–20	21–25	26–30	Total
Total Costs								
Program Administration	$580,000	$2,870,000	$2,720,000	$2,940,000	$2,750,000	$2,730,000	$2,760,000	$17,350,000
Land Acquisition	$0	$25,220,000	$24,370,000	$24,370,000	$24,370,000	$24,370,000	$24,370,000	$147,080,000
Management, Restoration, and Recreation Planning and Design	$260,000	$1,830,000	$1,110,000	$830,000	$830,000	$500,000	$540,000	$5,900,000
Habitat Restoration/Creation	$10,000	$1,370,000	$1,650,000	$1,610,000	$1,620,000	$1,290,000	$1,350,000	$8,890,000
Environmental Compliance	$0	$720,000	$720,000	$720,000	$720,000	$720,000	$0	$3,600,000
HCP/NCCP Preserve Management and Maintenance	$70,000	$3,040,000	$2,940,000	$4,890,000	$5,170,000	$6,020,000	$6,760,000	$28,900,000
Monitoring, Research, and Adaptive Management	$10,000	$1,860,000	$2,530,000	$2,830,000	$3,050,000	$2,940,000	$3,190,000	$16,420,000
Remedial Measures	$0	$50,000	$50,000	$160,000	$160,000	$160,000	$330,000	$910,000
Contingency Fund	$50,000	$590,000	$590,000	$700,000	$720,000	$720,000	$750,000	$4,100,000
Grand Total (in 2003 dollars)	$970,000	$37,540,000	$36,680,000	$39,050,000	$39,390,000	$39,450,000	$40,040,000	$233,130,000
Capital Costs								
Program Administration (office space and equipment)	$90,000	$110,000	$120,000	$110,000	$140,000	$100,000	$110,000	$770,000
Land Acquisition (acquisition, site improvements)	$0	$23,120,000	$23,120,000	$23,120,000	$23,120,000	$23,120,000	$23,120,000	$138,730,000
Management, Restoration, and Recreation Planning and Design (office equipment and vehicles)	$10,000	$80,000	$90,000	$50,000	$50,000	$10,000	$40,000	$330,000
Habitat Restoration/Creation (construction, office equipment, and vehicles)	$10,000	$640,000	$640,000	$600,000	$610,000	$560,000	$610,000	$3,670,000

Cost Category	Implementation Period (Years)							
	0[1]	1–5	6–10	11–15	16–20	21–25	26–30	Total
HCP/NCCP Preserve Management and Maintenance (vehicles, equipment, and facilities)	$10,000	$1,240,000	$550,000	$1,790,000	$1,190,000	$1,450,000	$1,660,000	$7,900,000
Remedial Measures	$0	$50,000	$50,000	$160,000	$160,000	$160,000	$330,000	$910,000
Capital Cost Total (in 2003 dollars)	$110,000	$25,240,000	$24,570,000	$25,830,000	$25,280,000	$25,410,000	$25,880,000	$152,320,000
Operational Costs								
Program Administration (personnel, legal and financial assistance, insurance, in-lieu funding)	$490,000	$2,770,000	$2,600,000	$2,830,000	$2,610,000	$2,630,000	$2,650,000	$16,580,000
Land Acquisition (transactional costs)	$0	$2,100,000	$1,250,000	$1,250,000	$1,250,000	$1,250,000	$1,250,000	$8,350,000
Management, Restoration, and Recreation Planning and Design (personnel and vehicle maintenance)	$250,000	$1,740,000	$1,030,000	$780,000	$780,000	$490,000	$490,000	$5,570,000
Habitat Restoration/Creation (personnel and vehicle maintenance)	$0	$730,000	$1,010,000	$1,010,000	$1,010,000	$730,000	$730,000	$5,220,000
Environmental Compliance	$0	$720,000	$720,000	$720,000	$720,000	$720,000	$0	$3,600,000
HCP/NCCP Preserve Management and Maintenance (personnel and vehicle and equipment maintenance)	$60,000	$1,800,000	$2,390,000	$3,100,000	$3,970,000	$4,570,000	$5,100,000	$21,000,000
Monitoring, Research, and Adaptive Management	$10,000	$1,860,000	$2,530,000	$2,830,000	$3,050,000	$2,940,000	$3,190,000	$16,420,000
Contingency Fund	$50,000	$590,000	$590,000	$700,000	$720,000	$720,000	$750,000	$4,100,000
Operational Cost Total (in 2003 dollars)	$850,000	$12,300,000	$12,120,000	$13,220,000	$14,110,000	$14,040,000	$14,160,000	$80,820,000

Note: See the text in Chapter 8 for detailed descriptions of each cost category.

[1] Year 0 costs are costs that are incurred as a part of the initial start-up of the HCP/NCCP.

Table 8-2. Summary of East Contra Costa County HCP/NCCP Implementation Costs (Rounded to the Nearest $10,000) for Preliminary Draft Maximum Permit Area

	Implementation Period (Years)							
Cost Category	0[1]	1–5	6–10	11–15	16–20	21–25	26–30	Total
Total Costs								
Program Administration	$580,000	$2,880,000	$2,730,000	$2,950,000	$2,770,000	$2,750,000	$2,780,000	$17,440,000
Land Acquisition	$0	$32,600,000	$31,490,000	$31,490,000	$31,490,000	$31,490,000	$31,490,000	$190,020,000
Management, Restoration, and Recreation Planning and Design	$260,000	$1,840,000	$1,130,000	$840,000	$840,000	$510,000	$550,000	$5,980,000
Habitat Restoration/Creation	$10,000	$1,570,000	$1,850,000	$1,810,000	$1,820,000	$1,490,000	$1,570,000	$10,120,000
Environmental Compliance	$0	$720,000	$720,000	$720,000	$720,000	$720,000	$0	$3,600,000
HCP/NCCP Preserve Management and Maintenance	$70,000	$3,140,000	$4,200,000	$4,960,000	$6,770,000	$7,220,000	$8,190,000	$34,550,000
Monitoring, Research, and Adaptive Management	$10,000	$2,000,000	$2,880,000	$3,380,000	$3,710,000	$3,700,000	$4,060,000	$19,730,000
Remedial Measures	$0	$50,000	$50,000	$180,000	$180,000	$180,000	$360,000	$990,000
Contingency Fund	$50,000	$610,000	$680,000	$740,000	$840,000	$830,000	$880,000	$4,620,000
Grand Total (in 2003 dollars)	$970,000	$45,400,000	$45,730,000	$47,060,000	$49,130,000	$48,880,000	$49,880,000	$287,050,000
Capital Costs								
Program Administration (office space and equipment)	$90,000	$110,000	$120,000	$110,000	$140,000	$100,000	$110,000	$770,000
Land Acquisition (acquisition and site improvements)	$0	$30,160,000	$30,160,000	$30,160,000	$30,160,000	$30,160,000	$30,160,000	$180,960,000
Management, Restoration, and Recreation Planning and Design (office equipment and vehicles)	$10,000	$80,000	$90,000	$50,000	$50,000	$10,000	$40,000	$330,000
Habitat Restoration/Creation (construction, office equipment, and vehicles)	$10,000	$690,000	$700,000	$660,000	$660,000	$620,000	$680,000	$4,020,000

Cost Category	Implementation Period (Years)							
	0[1]	1–5	6–10	11–15	16–20	21–25	26–30	Total
HCP/NCCP Preserve Management and Maintenance (vehicles, equipment, and facilities)	$10,000	$1,300,000	$1,420,000	$1,220,000	$2,270,000	$1,820,000	$2,150,000	$10,200,000
Remedial Measures	$0	$50,000	$50,000	$180,000	$180,000	$180,000	$360,000	$990,000
Capital Cost Total (in 2003 dollars)	$110,000	$32,400,000	$32,530,000	$32,370,000	$33,460,000	$32,890,000	$33,510,000	$197,270,000
Operational Costs								
Program Administration (personnel, legal and financial assistance, insurance, discretionary budget, in-lieu funding)	$490,000	$2,770,000	$2,610,000	$2,840,000	$2,630,000	$2,650,000	$2,680,000	$16,670,000
Land Acquisition (transactional costs)	$0	$2,440,000	$1,330,000	$1,330,000	$1,330,000	$1,330,000	$1,330,000	$9,060,000
Management, Restoration, and Recreation Planning and Design (personnel and vehicle maintenance)	$250,000	$1,760,000	$1,040,000	$790,000	$790,000	$510,000	$510,000	$5,650,000
Habitat Restoration/Creation (personnel and vehicle maintenance)	$0	$870,000	$1,160,000	$1,160,000	$1,160,000	$870,000	$890,000	$6,100,000
Environmental Compliance	$0	$720,000	$720,000	$720,000	$720,000	$720,000	$0	$3,600,000
HCP/NCCP Preserve Management and Maintenance (personnel and vehicle and equipment maintenance)	$60,000	$1,840,000	$2,780,000	$3,740,000	$4,500,000	$5,400,000	$6,040,000	$24,350,000
Monitoring, Research, and Adaptive Management	$10,000	$2,000,000	$2,880,000	$3,380,000	$3,710,000	$3,700,000	$4,060,000	$19,730,000
Contingency Fund	$50,000	$610,000	$680,000	$740,000	$840,000	$830,000	$880,000	$4,620,000
Operational Cost Total (in 2003 dollars)	$810,000	$13,010,000	$13,190,000	$14,690,000	$15,670,000	$15,990,000	$16,370,000	$89,740,000

Note: See the text in chapter 8 for detailed descriptions of each cost category.

[1] Year 0 costs are costs that are incurred as a part of the initial start-up of the HCP/NCCP.

Table 8-3. HCP/NCCP Funding Sources

Program Name	Program Administrator	Funding Source	California Funding	Year	Description	Eligibility	East Contra Costa County NCCP/ HCP Potential
Section 6 Grants	U.S. Fish and Wildlife Service	Federal	$24,900,000	2001–2003 annual average	Grants for HCP land acquisition	HCPs	Strong
Byron Airport Acquisition	Federal Aviation Administration	Federal	$6,500,000	Expected, one-time investment	About 800 acres in HCP planning area will be conserved as part of ongoing airport activity	Specific Project in East Contra Costa County	Established
Land and Water Conservation Fund	California Department of Parks and Recreation	Federal	$7,832,545	2004	Dollar-for-dollar matching grants for planning, acquisition, and development of outdoor recreation areas and facilities	Cities, counties and districts with authority to acquire, develop, operate and maintain public park and recreation areas	Uncertain
Farm and Ranch Land Protection Program	Natural Resource Conservation Service	Federal	$3,000,000	2004	USDA provides up to 50% of conservation easement value; requires partnerships with other agencies.	Active farm and ranch lands	Very limited
Habitat Conservation Fund	California Department of Parks and Recreation	State – Other[a]	$2,174,400	2003	Program requires dollar for dollar match from non-state source for wetlands, riparian, trails/programs and anadromous/trout categories.	Cites, counties and districts	Well-tapped by EBRPD
Per Capita Grant Program	California Department of Parks and Recreation	State – Proposition 40	$326,725,000	Total funding allocation through time	For the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas. No matching requirements.	40% will be made available to counties, regional park and open space districts. The rest (60%) is for cities and districts other than regional park and open space districts.	Well-tapped by EBRPD

Table 8-3. Continued

Program Name	Program Administrator	Funding Source	California Funding	Year	Description	Eligibility	East Contra Costa County NCCP/ HCP Potential
Recreational Trail Fund	California Department of Parks and Recreation	Federal[b]	$2,197,222	Recommended 2003	Federal money for non-motorized trail projects; RTP will provide up to 80% of total project costs.	Cities, counties, districts, state agencies and nonprofit organizations with management responsibilities over public lands	Well-tapped by EBRPD
Roberti-Z'Berg-Harris Non-Urbanized Area Need Basis Grant Program	California Department of Parks and Recreation	State – Proposition 40	$27,855,000	Total funding allocation through time	For acquisition, development, rehabilitation, and special maintenance of park and recreation land and facilities. Requires non-state funding match of 30% of total project costs.	Cities, Counties, and eligible districts in non-urbanized areas	Well-tapped by EBRPD
Wildlife Conservation Board	California Department of Fish and Game	State – Proposition 40	$324,000,000	Total funding allocation through time	Various programs funded by Proposition 40 and Proposition 50, including acquisition and protection of habitat, coastal and wetlands protection, and grazing lands and ranchlands program.	Federal, state, and local governmental agencies, and nonprofit conservation organizations; in some cases, private land owners.	Some funding to EBRPD; potential for additional funding.
		State – Proposition 50	$914,000,000				

Table 8-3. Continued

Program Name	Program Administrator	Funding Source	California Funding	Year	Description	Eligibility	East Contra Costa County NCCP/ HCP Potential
San Francisco Bay Area Conservancy[c]	California Coastal Conservancy	State – Proposition 40	$40,000,000	Total funding allocation through time	Funding from Proposition 40 and Proposition 50 for acquisition, development, rehabilitation, restoration and protection of land recourses and for Bay Area coastal watershed and wetlands protection, plus acquisition of agricultural and open space properties.	The State Coastal Conservancy, public agencies and nonprofit organizations (land trusts)	Well-tapped by EBRPD
		State – Proposition 50	$20,000,000				
California Farmland Conservancy Program	California Department of Conservation	State – Proposition 12	$10,000,000	Final Proposition 12 allocation; 2003-04 funding	Grants for preservation of strategic agricultural lands	Cities, counties, nonprofit organizations (land trusts) and Resource Conservation District Assistance programs.	Very limited
		State – Proposition 40	$40,000,000	Total funding allocation through time			Very limited
CalFed Bay-Delta Programs	California Bay Delta Authority and other California agencies	State – Proposition 50	$270,000,000	Total funding allocation through time	Various programs funded by Proposition 50 for habitat restoration and protection, conservation and restoration of watersheds.	State, federal, local and non-governmental agencies are eligible.	Moderate

Table 8-3. Continued

Program Name	Program Administrator	Funding Source	California Funding	Year	Description	Eligibility	East Contra Costa County NCCP/ HCP Potential
"Mountain Lion Fund"	State Coastal Conservancy, California Department of Parks and Recreation, Wildlife Conservation Board	State – Proposition 117	$30,000,000	Annual funding through 2020	Proposition 117 provides at least $30 million statewide each year for wildlife habitat preservation, including wetlands, stream and riparian habitat. Half must be spent in northern California.	$21 million is allocated to the WCB for purposes of the Dept. of Fish and Game. $4.5 million is allocated for local park, recreation and open space agencies as matching awards from the state. $4.5 million is for the Coastal and Tahoe Conservancy.	Moderate
Clean Water State Revolving Fund	Environmental Protection Agency	Revolving fund	$95,741,300	2004	Revolving fund provides low-interest loans for projects that improve water quality and reduce nonpoint source pollution, including wetland preservation, restoration and creation, and the protection of vernal pools and associated habitat such as oak woodlands. Loans can cover 100% of project costs with no cash up front.	Revolving fund loans are available to local governments, non-profits, municipalities, farmers, and homeowners.	Strong

[a] Initiated by the California Wildlife Protection Act of 1990.

[b] Administered at the federal level by the Federal Highway Administration.

[c] The San Francisco Bay Area Conservancy obtains funds via the Statewide California Coastal Conservancy program. The broader California Conservancy program also funds other projects in the San Francisco Bay Area, though they are all directly on the coastline, not in Contra Costa County.

Source: Economic & Planning Systems, Inc.

Table 8-4. HCP/NCCP Development Fee

	Fee Zone[1]			
	Zone I: Eastern Agricultural Zone	Zone II: Natural Areas Zone	Zone III: Infill	Total
Development Fee per Acre at Start of Permit Term[2]	$9,046	$18,093	$4,523	
Estimated Cost per Housing Unit[3]	$2,262	$4,523	$1,131	
Estimated Fee Zone Acreage (Excludes Roads)				
Initial Urban Dev. Area	6,436	2,808	136[4]	9,380
Max. Urban Dev. Area	8,436	5,308	136[4]	13,880
Estimated Revenue (2004 Dollars) [5]				
Initial Urban Dev. Area	$52,925,622	$46,177,821	$557,197	$99,660,640
Max. Urban Dev. Area	$66,125,734	$83,210,795	$557,197	$149,893,726

Notes:

[1] As defined in Figure 8-1.

[2] See text and Appendix H for calculation methods. Development fees will be adjusted for inflation or deflation according to Table 8-7 and the terms of the HCP/NCCP; consult planning staff with your participating jurisdiction for the latest HCP/NCCP development fee.

[3] Assumes average housing density of 4.0 units per acre. This is an estimate only; fees will be charged on a per acre basis, not on a per unit unit basis.

[4] Parcels less than 1 acre may be exempt depending on the jurisdiction.

[5] Revenue projections reflect a 10% contingency, the assumption that the initial fee will be set to reflect the cost and revenue projections associated with the initial urban development area, as well as other assumptions described in Appendix H.

Table 8-5. Wetland Fee and Acreage Determination Methods

Land Cover Type	Fee per acre of Impact[1]	Required Mitigation Ratio	Method for Determining Fee Boundary
Riparian woodland/scrub	$57,000	1:1	Limit of tree or shrub canopy (drip line)
Streams	$99,000	1:l	Area of impact within banks
Perennial wetlands	$78,000	1:1	Jurisdictional wetland boundary of state or federal government[2], whichever is greater
Seasonal wetland	$169,000	2:1	Same as above
Alkali wetland	$160,000	2:1	Same as above
Ponds	$85,000	1:1	Jurisdictional waters boundary of state or federal government[2], whichever is greater
Aquatic (open water)	$43,000	0.5:1	Wetted area during normal rainfall year or jurisdictional waters boundary, whichever is greater
Slough/channel	$49,000	0.5:1	Area of impact within banks

[1] See Appendix G for calculation of fee by wetland type. Wetland fee takes mitigation ratio into account.

[2] Using methods for determining state and federal jurisdictional waters and wetlands at the time of HCP/NCCP approval or the current approved methodology, whichever results in a larger boundary.

Table 8-7. Fee Adjustment Indices

Fee	Annual Adjustment Index[1]	Average Annual Rate (1991-2001) **Example**
Development Fees, Road Fees, and Temporary Impact Fees		
Portion for Land acquisition (66%)	Average annual increase in median home price per square foot in Contra Costa County for the prior calendar year (California Association of Realtors data)	5.14%
Portion for Preserve System Operation, Restoration, and Maintenance (34%)	Consumer Price Index for San Francisco Bay Region for the prior calendar year (U.S. Bureau of Labor Statistics)	2.81%
Wetland Fee	Same as above	2.81%

Notes:

[1] Fee adjusted automatically at the beginning of each fiscal year. See Appendix G for more details on methodology and sources.